

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
July 28, 2009**

1. Present

Commissioners:

Sherwood Bishop, Chair
Ryan Thomason, Vice-Chair
Bill De Soto (*Absent*)
Bill Taylor
Curtis Seebeck (*Absent*)
Allen Shy
Cecil Pounds
Jim Stark
Randy Bryan

City Staff:

Chuck Swallow, Director of Development Services
Matthew Lewis, Assistant Director of Development Services-Planning
John Foreman, Planner
Francis Serna, Recording Secretary

2. Call to Order and Announce a Quorum is Present.

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Bishop at 6:01 p.m. on Tuesday July 28, 2009 in the Council Chambers, City Hall building of the City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

3. Chairperson's Opening Remarks.

Chair Bishop welcomed the audience.

4. Executive Session

There were no discussions.

5. Citizen Comment Period

There were no citizen comments.

6. CUP-09-15. Hold a public hearing and consider a request by Herlinda Lopez for a renewal of a TABC Conditional Use Permit to allow the on-premise consumption of beer and wine at 2550 Hunter Rd.

John Foreman stated that the applicant has requested a renewal of a TABC Conditional Use Permit. The permit was approved for one month to allow the applicant to submit reporting requirements. He explained that the report is a requirement of the CUP and the variance to distance requirements. Mr. Foreman added that that the report must show that alcohol sales are no more than 25% of the total gross revenue of the business for one year. He informed the

Commission that the report indicates less than 10% of alcohol sales. There have been no other comments or concerns from the public or other departments, therefore staff recommended approval that the CUP be valid for one (1) year, provided standards are met, subject to the point system; include the statement "Due to the close proximity of a school campus, please be alert for students and drive carefully. This restaurant will accommodate, as necessary, any individual that needs transportation after consuming alcoholic beverages." On the restaurant menus; the restaurant operates such that gross revenue from alcohol sales will be less than 25% of total gross revenue for the business, with the restaurant submitting annual reports indicating this condition has been met; the primary entrance for the restaurant be at least 200 feet from the primary entrance of the school; and alcoholic beverages be served no earlier than 11 a.m. and no later than 10 p.m.

Chair Bishop opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Thomason and a second by Commissioner Stark, the Commission voted seven (7) for and none (0) opposed, to approve the request that the CUP be valid for one (1) year, provided standards are met, subject to the point system; include the statement "Due to the close proximity of a school campus, please be alert for students and drive carefully. This restaurant will accommodate, as necessary, any individual that needs transportation after consuming alcoholic beverages." On the restaurant menus; the restaurant operates such that gross revenue from alcohol sales will be less than 25% of total gross revenue for the business, with the restaurant submitting annual reports indicating this condition has been met; the primary entrance for the restaurant be at least 200 feet from the primary entrance of the school; and alcoholic beverages be served no earlier than 11 a.m. and no later than 10 p.m. The motion carried unanimously. Commissioners DeSoto and Seebeck were absent.

7. Planning Issues:

- a. Hold a public hearing and discuss zoning interpretation for convenience store with gas sales.

Matthew Lewis explained that "convenience store with gas sales" is not identified in the Land Use Matrix, therefore he asked the Commission to discuss whether to add the use to the matrix and identify if "convenience stores with gas sales" would benefit the Central Business Area. Mr. Lewis explained that due to the differences in public perception, patron use and physical size staff has recommended that "convenience stores with gas sales" be permitted by right in GC and HC and be permitted conditionally in the CBA, MU, NC and CC.

Chair Bishop opened the public hearing. Steve Ramsey with Baker-Aicklen & Associates stated he was present on behalf of the owner of the Exxon Station at the corner of Guadalupe and Pat Garrison. He added that he is also representing the buyer and the developer who will convert the gas station to a convenience store with gas sales. In addition, Mr. Ramsey stated that the owner and developer would request clarification and direction if no recommendation was proposed. Mr. Ramsey stated that he was available to answer questions. There were no additional citizen comments and the public hearing was closed.

The Commissioners briefly discussed the proposed development and the zoning interpretation. The Commission agreed that a "convenience store with gas sales" should be permitted by right in General Commercial (GC) and Heavy Commercial (HC) and permitted conditionally in the Central Business Area (CBA), Mixed Use (MU), Neighborhood Commercial (NC) and Community Commercial (CC) zoning districts. Matthew Lewis advised the Commission that the item will be scheduled for action on the August 11, 2009 Planning and Zoning Commission meeting.

b. Robert's Rule of Order Workshop

Sherry Mashburn, City Clerk gave a presentation on Parliamentary Procedures.

c. Discuss dates for Commissioner's Retreat.

Matthew Lewis gave a brief overview of the items on the agenda. He asked the Commission to email agenda item suggestions for the retreat to Planning staff. Mr. Lewis pointed out that the Role of Planning Commission, Watershed Protection Plan, which was previously discussed and the Downtown Master Plan implementation will be on the agenda,

Staff suggested that the retreat be held in September on a Saturday from 9-4 p.m. The Commission requested that the Retreat be held during the week for a maximum of three hours per night.

Matthew Lewis informed the Commission that a recommendation to amend the name of Sexually Oriented Business (SOB) to Adult Oriented Business (AOB) will be brought before the Commission at a future meeting.

8. Discussion Items.

Planning Report

Matthew Lewis advised the Commission that staff is still working with the Legal Department concerning meetings in Single Family zoning. He stated that the item will be placed on a future agenda.

Commissioners' Report

9. Consider approval of the minutes from the Regular Meeting of July 14, 2009.

MOTION: Upon a motion made by Commissioner Thomason and a second by Commissioner Bryan, the Commission voted six (6) for, zero (0) opposed, and one (1) abstained to approve the Regular Meeting Minutes of July 14, 2009 with corrections. The motion carried. Commissioner Shy abstained. Commissioners DeSoto and Seebeck were absent.


10. Questions and answers from the Press and Public.

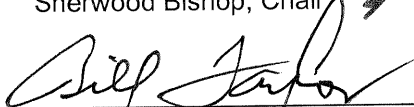
There were no comments from the press and public.

11. Adjournment


Chair Bishop adjourned the Planning and Zoning Commission at 7:02 p.m. on Tuesday, July 28, 2009.


Sherwood Bishop, Chair


Ryan Thomason, Vice Commissioner


Bill Taylor, Commissioner


Jim Stark, Commissioner


Randy Bryan, Commissioner


Cecil Pounds, Commissioner


Allen Shy, Commissioner

ATTEST:


Francis Serna, Recording Secretary